

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PHILLIP B. HAUSKEN,

Plaintiff,

v.

DR. COGBURNE, *et al.*,

Defendants.

CASE NO. C16-1931-JCC

ORDER OF DISMISSAL

This matter comes before the Court on the report and recommendation of the Honorable James P. Donohue, United States Magistrate Judge, that this case be dismissed without prejudice for failure to prosecute. (Dkt. No. 5 at 1.) Judge Donohue's recommendation is based on the fact that Plaintiff has not paid the applicable filing fee or submitted the correct *in forma pauperis* (IFP) application. (*Id.*); (*see also* Dkt. No. 3).

Plaintiff did not object to the recommendation. However, he did submit an updated IFP application. (Dkt. No. 6.) Unfortunately, Plaintiff still did not use the proper form. This is particularly important because the proper IFP form includes a "Written Consent for Payment of Costs." *See* <http://www.wawd.uscourts.gov/sites/wawd/files/WAWDIFPPrisCivilAction.pdf> at Page 3. Pursuant to Local Civil Rule 3(b)(2), this section of the form gives permission that "any recovery in damages that [an IFP plaintiff] may receive in the above-captioned cause may be reduced, if so directed by the court, in such an amount as is necessary for payment of the

1 unpaid fees and costs which are taxed against [plaintiff] in the course of this litigation.” *Id.*

2 This is a crucial part of the form and, without that consent, Plaintiff cannot obtain IFP status.

3 Accordingly, the Court ORDERS that:

4 (1) The report and recommendation (Dkt. No. 5) is ADOPTED.

5 (2) This action is DISMISSED without prejudice.

6 (3) The Clerk is DIRECTED to send copies of this order to Plaintiff and to Judge
7 Donohue.

8 DATED this 22nd day of March 2017.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE